



July 8, 2024

ELECTRONIC DELIVERY

Mr. Elliott Russell  
Environmental Protection Specialist  
Colorado Department of Natural Resources  
Division of Reclamation, Mining and Safety  
Office of Mined Land Reclamation  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

**Re: Permit No. M-1980-244; Cripple Creek & Victor Gold Mining Company; Cresson Project; Amendment Application AM14 - Deficiencies Review Response**

Dear Mr. Russell:

Newmont Corporation's Cripple Creek and Victor Gold Mining Company (CC&V) received the Division of Reclamation, Mining and Safety (DRMS) Notice of Filing Deficiencies Review of Amendment 14 (AM14) Application to Permit M-1980-244 and associated comments. CC&V has reviewed the comments issued in the May 9, 2024 letter from DRMS, prepared responses for each comment, and updated AM14 permit documents as necessary and where indicated in this letter. As discussed on June 6, 2024 with DRMS, we have made an update to the AM14 affected lands boundary, and AM14 permit documents have been updated to reflect this change. A list of attachments identifying these updated exhibits is provided with this letter. Below are DRMS comments in bold and CC&V's responses in *italics*.

**Application Form:**

- 1. On Page 2 of the application form, Question 10, the Primary Mine Entrance Location coordinates are provided. These appear to be incorrect as the coordinates provided are in the middle of the Process Solution Enhancement System (PSES) facility and not at an entrance point. Within Exhibit A, CC&V identifies the primary mine entrance as the Ironclad Security Gate, however, the same incorrect coordinates are provided. Please update the coordinates accordingly and submit a replacement Page 2 of the application form and a revised Exhibit A.**

*A revised Page 2 of the application form and a revised Exhibit A are attached to this letter. Page 1 of the application form has also been updated to reflect the expansion of the affected lands boundary.*

**Exhibit B – Index Map (Rule 6.4.2):**

- 2. Exhibit B provides Drawing B-1: Index Map which needs to be revised prior to the application being considered filed for review. Please address the following:**



- a. **Unlabeled roads along Grassy Valley, as well as Highway 67 between Cripple Creek and Victor, included on the Index Map do not accurately reflect the location/shape of existing roads within the area of the *General Area of Operations*.**

*See the attached revised Drawing B-1.*

- b. **In accordance with Rule 6.4.2, an additional map is required that has a larger scale in order to show more details on the local access to the operation and the primary mine entrance.**

*See the attached new Drawing B-2 in larger scale.*

- c. **In accordance with Rule 6.2.1(2)(d), please include the permit boundary on the Exhibit B maps.**

*See the attached revised Drawing B-1 and a new Drawing B-2 that include the permit boundary.*

#### **EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

3. **In accordance with Rule 6.4.3(a), CC&V has submitted four plates of Drawing C-1 within Exhibit C showing the location and Teller County Account Number of all Owners of Record within 200 feet of the permit boundary. Please provide a comprehensive table to supplement these drawings to list all these parcels. Once the application has been called complete and CC&V sends notification to these Owners of Record, please commit to providing an updated table with notification information. This table will allow CC&V to help demonstrate compliance with the Rule 1.6.2(e)(ii) for notifying Owners of Record within 200 feet of the permit boundary.**

*Please see the attached table in the revised Exhibit S with a list of all parcels within 200 feet of the permit boundary. Including the list of parcels within 200 feet of the permit boundary in Exhibit S is consistent with previous permit amendments applications. CC&V will notify the Owners of Record within the affected lands boundary and Owners of Record within 200 feet of the boundary immediately following the first publication of the newspaper (to be published within 10 days of notification that the application is considered complete). Once notification to the Owners of Record has been sent out, CC&V will provide DRMS with the updated table with notification information and return receipts.*

#### **EXHIBIT N – Source of Legal Right-to-Enter (Rule 6.4.14):**

4. **Exhibit N provides a list of 282 descriptions of CC&V's ownership under the A. *Interests Owned* category. As required by Rule 6.4.14, when the Operator/Applicant is the Owner of Record, provide a copy of a deed, abstract of title, or a current tax receipt as the documentation of the legal right to enter to conduct mining and reclamation.**

*Updated documentation has been provided in Exhibit N as required by Rule 6.4.14. An electronic copy of the documentation is attached with this submittal. A hard copy has been submitted to the Teller County Clerk and Recorder.*

5. Starting with description No. 27 under list A, there are several descriptions which state *the parcel reflected in this conveyance lies outside the permit boundary*. Please explain why these are included in Exhibit N. If a parcel is located outside the permit boundary, please remove it from Exhibit N.

*Parcels that were listed outside the permit boundary have been removed from Exhibit N. These were listed in error.*

6. Description No. 113 states *Duplicate of A83*. Please explain why this is included in Exhibit N.

*Description 113, duplicate of A83 has been removed from Exhibit N. This was listed in error.*

7. Exhibit N provides a list of 8 descriptions of CC&V's legal agreements under the *B. Leased Interests* category. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

*Please refer to the updated documentation list of Leased Interests in Exhibit N as required by Rule 6.4.14.*

8. Exhibit N provides a description of CRS 34-44-103 and 34-44-108 under the *C. Interests Owned by Co-tenants* category. Please explain how this complies with the requirements of Rule 6.4.14.

*This description was included as a statement of fact. This section has been removed from the revised Exhibit N.*

9. Exhibit N provides a description the "accommodation doctrine" under the *D. Severed Mineral of Surface Estates* category. Please explain how this complies with the requirements of Rule 6.4.14.

*This description was included as a statement of fact. This section has been removed from the revised Exhibit N.*

10. Exhibit N provides a list of two description of CC&V's right to enter two types of Right-of-Ways, three utility companies' easements, and a permission letter for two private companies under the *E. Legal Right to Enter Right-of-Way and Easement Property* category. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

*Please refer to the updated documentation list of Legal Right to Enter Right-of-Way and Easement Property in Exhibit N.*

**EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):**

- 11. Exhibit O provides a table of what appears to be 123 parcels within CC&V's permit boundary where CC&V is not the owner of the surface and/or mineral estate. Rule 6.4.15 requires Applicants to provide a complete list of all Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined. This table is missing all parcels where surface and minerals are owned by CC&V. Please update the table accordingly. Once updated, the Exhibit O Table will need to include a new column to indicate which of the 5 types of Exhibit N categories is covered for each parcel.**

*Please refer to the updated table in the revised Exhibit O. This table includes additional columns indicating Exhibit N as reference (including a letter for the category and a number corresponding to the description in Exhibit N) and the reception number for each supporting Exhibit N document.*

- 12. Due to the complexity of Exhibit O and the sheer number of parcels included within the permit boundary, in accordance with Rule 6.4.15, the Division is requiring both an Exhibit O list and an Exhibit C map(s) for all Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined. This will allow CC&V to clearly demonstrate all parcels within the permit boundary are listed in the Exhibit O table and that CC&V has complied with the requirements of Exhibit N Legal Right to Enter for each of these parcels. The Exhibit O table needs to be updated to include a new column to sequentially number the parcels that can be labeled on the new Exhibit C map(s) and can be cross-referenced with Exhibit N documents. In addition to labels on the new Exhibit C map(s), please clearly distinguish the different categories of Exhibit N with shading and/or hatching.**

*Please refer to the updated Exhibit C-6 maps and an updated Exhibit O table that includes the account number cross-referencing the parcels in the Exhibit C maps.*

- 13. The revised Exhibit O table discussed in Items 11 and 12 will also allow CC&V to help demonstrate compliance with the Rule 1.6.2(e)(i) for notifying all Owners of Record of the surface and mineral rights of the affected land. Similar to Item 3, once the application has been called complete and CC&V sends notification to these Owners of Record, please commit to providing an updated table with notification information.**

*CC&V commits to provide an updated table with notification information upon notification of Owners of Record via certified mail.*

- 14. Exhibit O contains several parcels which reference “Nil” as CC&V’s real property rights, or claims to rights, in and to the same. Please explain “Nil.”**

*Please see updated Exhibit O table which includes the clarifying information. This language has been revised to “None.”*

- 15. Within the Exhibit O table, CC&V provides a description of a possible ownership error for the parcel owned by Gaston Coblenz. Please explain this further and provide documentation for the correct ownership.**

*The Teller County Property Records database incorrectly lists Gaston Coblentz as the owner of this parcel. CC&V owns an undivided 1/2 interest with The Cherry M. Lawrence Revocable Trust, Dated October 3rd, 1983, Caroline M. Black Blydenburgh, and Leslie Black Tawfik, owning the remaining 1/2 interest. Ownership documentation for the Cherry M. Lawrence Revocable Trust and Leslie Black Tawfik is available from the Teller County Property Records database with the account number N0025845 at the following link:*

<https://tcweb.co.teller.co.us/PropRecs/Data.aspx?AcctNo=N0025845>

*Documentation of CC&V's ownership is provided in the updated Exhibit N (documents A2 and A6). A request has been made to the County Assessor to correct ownership record for this parcel. Gaston Coblentz has been left in Exhibit O for consistency with the Teller County records.*

- 16. Within the Exhibit O table, no information is provided in the column of CC&V's real property rights, or claims to rights, in and to the same for the parcel with Teller County Account No. R0057390. Please update the table accordingly.**

*The property associated with Account No. R0057390 has been added to Exhibit O to indicate that CC&V holds an executed, January 13th, 2016 Permit Permission Letter from Owner. This letter has also been included in the updated Exhibit N.*

- 17. Within the Exhibit O table, LeClair Consolidated Mines and Matoa Gold Mining Co are both listed as CC&V Subsidiary. It is unclear how these parcels fall into the Exhibit N categories. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.**

*The parcels for LeClair Consolidated Mines and Matoa Gold Mining Co fall into the Interests Owned category of Exhibit N. Documentation of ownership has been provided in the updated Exhibit N and in the updated table in Exhibit O.*

- 18. Within the Exhibit O table, Newmont CC&V Mining Corp is listed as Parent Company of CC&V. It is unclear how these parcels fall into the Exhibit N categories. As required by Rule 6.4.14, when the Operator/Applicant is not the Owner of Record, provide a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.**

*The Newmont CC&V Mining Corp parcels fall into the Interests Owned category of Exhibit N. Documentation of ownership has been provided in the updated Exhibit N and in the updated table in Exhibit O. This language has been removed from Exhibit O.*

- 19. Within the Exhibit O table, Stratton Cripple Creek Mining & Development Company is listed as an Owner of Record, but no parcel number is included. Furthermore CC&V states Unassessed portion of USMS #9576, which should have been ultimately conveyed to CC&V, but was inadvertently left off conveyances into CC&V and its predecessors in interest. Please**



**further explain this and how CC&V intends to comply with Rule 6.4.14 for this Owner of Record. Please also clearly indicate the location of this parcel.**

*This parcel is N0025678 which is owned by CC&V. This entry in Exhibit O has been corrected, and documentation of ownership is provided in the updated Exhibit N (A113).*

- 20. Within the Exhibit O table, Swanquist is listed as an Owner of Record, but CC&V states Legal Counsel for CC&V contends conveyance into Swanquist was void (please see comment hereto). There is no other comment included Exhibit O regarding this parcel. Please further explain this and how CC&V intends to comply with Rule 6.4.14 for this Owner of Record. Please also clearly indicate the location of this parcel.**

*The following is an excerpt from a Draft Title Opinion by Davis, Graham & Stubbs LLP, dated October 2, 2000:*

*None of the instruments by which Swanquist obtained title to the 0.196 acres, as the same have been abstracted, contain any legal description of the 0.196 acres. Where there is a conveyance of a portion of a larger tract and the exact portion cannot be determined from the conveyance, the conveyance is void. Smith v. Highland Mary Mining, Milling & Power Co., 82 Colo. 288, 290, 259 P. 1025 (1927) (tax deeds conveying "9.32 acres of the Happy Valley Placer, Survey lot. no . 12354," were void because the description was of an unidentified portion of a larger tract.); Riley v. Lemieux, 24 Colo.App. 184, 132 P. 699, 700 (1913). Cf. , Harrison v. Everett, 135 Colo. 55, 59, 308 P.2d 216, 219 (1957); Cripple Creek Trading & Mining Co. v. Stewart, 100 Colo. 271, 67 P.2d 1032 (1937). Thus, for purposes of this Opinion, we have assumed that the Treasurer's Deed is void, such that title to the portion of the Subject Property purportedly conveyed by the Treasurer's Deed resides in Bull Hill's successor-in-title, Cripple Creek Joint Venture.*

*Documentation of ownership has been provided in the updated Exhibit N. This parcel is identified in the new Exhibit C maps.*

**EXHIBIT R – Proof of Filing with County Clerk (Rule 6.4.18):**

- 21. In accordance with Rule 1.6.2(2), please submit proof that the revisions associated with this letter have been placed for public review with the original application at the local County Clerk and Recorder.**

*Please refer to the attached proof of filing from the County Clerk and Recorder's office.*

We trust that the above satisfies DRMS requirements included within the Notice of Filing Deficiencies Review. Should you require further information, please do not hesitate to contact Johnna Gonzalez at (719)851-4190, [Johnna.Gonzalez@Newmont.com](mailto:Johnna.Gonzalez@Newmont.com), or myself at (719) 237-3442 or [Katie.Blake@newmont.com](mailto:Katie.Blake@newmont.com).

Sincerely,

DocuSigned by:  
  
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Katie Blake  
Sustainability & External Relations Manager  
Cripple Creek & Victor Gold Mining Co

EC:

Z. Trujillo - DRMS  
J. McBryde – Teller County  
J. Gonzalez – CC&V  
K. Blake – CC&V  
N. Townley – CC&V

Attachments: List of Attachments  
New IC A14 Sign Documentation  
Revised Application Pages  
Revised Exhibit A  
Revised Exhibit B  
Revised Exhibit C  
Revised Exhibit F  
Revised Exhibit G  
Revised Exhibit I  
Revised Exhibit L  
Revised Exhibit N  
Revised Exhibit N – Deeds Part A  
Revised Exhibit N – Deeds Part B  
Revised Exhibit N – Deeds Part C  
Revised Exhibit O  
Revised Exhibit R  
Revised Exhibit S

Discovery:\\CC&V\\S&ER Environmental\\Correspondence\\DNR\\DRMS\\Outgoing\\July 2024



# Permit M-1980-244 Cresson Project Amendment 14 Filing Deficiency Response List of Attachments

Attachment 1	Revised Application Pages and Photograph of Sign Posting
Attachment 2	Revised Exhibit A. Legal Description
Attachment 3	Revised Exhibit B. Index and Mine Entrance Maps
	Map B-1. Index Map
	Map B-2. Primary Mine Entrance
Attachment 4	Revised Exhibit C. Pre-Mining and Mining Plan Maps of Affected Lands
	Drawing C-1. Permit Boundary and Adjacent Landowners (4 plates)
	Drawing C-1a. Affected Lands Boundary and Adjacent Land Owners with Permanent Manmade Structures (Plate 1 of 4 only)
	Drawing C-2. Existing and Approved Facilities
	Drawing C-2b. Existing Utilities
	Drawing C-3. Proposed Facilities Buildings and Utilities
	Drawing C-4. Changes in Disturbance Categories
	Drawing C-4a. Growth Medium Storage Area Locations
	Drawing C-5. District Geology
	Drawing C-6. Owners of Record of Affected Lands (4 plates)
Attachment 5	Revised Exhibit F. Reclamation Plan Maps
	Drawing F-1. Approximate Post Mining Topography Cresson Project
	Drawing F-2. North Cresson (Globe Hill) and East Cresson (Wildhorse Extension)
Attachment 6	Revised Exhibit G. Water Information
	Drawing G-1. Groundwater Wells within 2 Miles of Affected Lands Boundary (Plate 1 of 4 only)
	Drawing G-2. Surface Water Drainages and Spring Locations within 2 Miles of Affected Lands Boundary (Plate 1 of 4 only)
Attachment 7	Revised Exhibit I. Soils Information
Attachment 8	Addendum to Exhibit L. Reclamation Costs (Table 1: AM14 – External Parking Area Reclamation Costs)
Attachment 9	Revised Exhibit N. Source of Legal Right to Enter
Attachment 10	Revised Exhibit O. Owners of Record of Affected Lands and Owners of Substance to be Mined
Attachment 11	Revised Exhibit R. Proof of Filing with County Clerk and Recorder
Attachment 12	Revised Exhibit S. Structures within 200 Feet of Affected Lands Boundary New Structure Agreement





**REGULAR (112d) DESIGNATED MINING OPERATION  
RECLAMATION PERMIT  
APPLICATION FORM**

**CHECK ONE:** \_\_\_\_\_ New Application (Rule 1.4.5) \_\_\_\_\_ Amendment Application (Rule 1.10)  
\_\_\_\_\_ Conversion Application (Rule 1.11)

Permit No. M-\_\_\_\_\_ -\_\_\_\_\_ (provide for amendments and conversions of existing permits)

The application for a Regular (112d) Designated Mining Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-T, Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.4.19, 6.5, 8.0, and 1.6.2(1)(b); and, (3) the application fee. When you submit your application, be sure to include one (1) **signed and notarized original** and four (4) copies of the application form, five (5) copies of Exhibits A-T, Rule 6.5 Geotechnical Stability Exhibit, the Emergency Response Plan, Addendum 1, and a check for the appropriate application fee (described under Section (4) on Page 2). Exhibits should not be bound or in a 3-ring binders; maps should be folded to 8 ½" X 11" or 8 ½" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

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**GENERAL OPERATION INFORMATION**

Type or print clearly, in the space provided, all information described below.

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1. **Applicant/operator or company name (name to be used on permit):**

\_\_\_\_\_

1.1 Type of organization (corporation, partnership, etc.): \_\_\_\_\_

1.2 I.R.S. Tax ID No. or Social Security Number: \_\_\_\_\_

2. **Operation name (pit, mine or site name):** \_\_\_\_\_

3. **Permitted acreage:** (new or existing site) \_\_\_\_\_ permitted acres

3.1 Change in acreage (+) \_\_\_\_\_ acres

3.2 Total acreage in Permit area \_\_\_\_\_ acres



4.

**Fees:**

4.1	<b><u>New</u></b> 112d(1) Application (affecting less than 50 acres and extracting less than 1 million tons per year) application fee	<b><u>\$4,025.00</u></b>
4.2	<b><u>New</u></b> 112d(2) Application (larger than above but affecting less than 100 acres and extract less than 5 million tons per year)	
		<b><u>\$6,900.00</u></b> application fee
4.3	<b><u>New</u></b> 112d(3) Application (any other operation)	<b><u>\$9,200.00</u></b> application fee
4.4	<b><u>Existing</u></b> 112d(1) Amendment Fee	<b><u>\$2,300.00</u></b> amendment fee
4.5	<b><u>Existing</u></b> 112d(2) Amendment Fee	<b><u>\$4,025.00</u></b> amendment fee
4.6	<b><u>Existing</u></b> 112d(3) Amendment Fee	<b><u>\$7,475.00</u></b> amendment fee
4.7	<b><u>New</u></b> 112d(1) Amendment Fee	<b><u>\$2,875.00</u></b> amendment fee
4.8	<b><u>New</u></b> 112d(2) Amendment Fee	<b><u>\$4,600.00</u></b> amendment fee
4.9	<b><u>New</u></b> 112d(3) Amendment Fee	<b><u>\$8,050.00</u></b> amendment fee
4.10	Conversion Fee	see above application fees

5.

**Primary commodity(ies) to be mined:** \_\_\_\_\_

6.

**Name of owner of surface of affected land:** \_\_\_\_\_

7.

**Name of owner of subsurface rights of affected land:** \_\_\_\_\_  
If 2 or more owners, refer to Exhibit O.

8.

**Type of mining operation:** \_\_\_\_\_ Surface \_\_\_\_\_ Underground

9.

**Location Information:** the center of the area where the majority of mining will occur lies in:  
COUNTY: \_\_\_\_\_

PRINCIPAL MERIDIAN (check one): \_\_\_\_\_ 6th (Colorado) \_\_ 10th (New Mexico) \_\_\_\_\_ Ute

SECTION (write number): S \_\_\_\_\_

TOWNSHIP (write number and check direction): T \_\_\_\_\_ North \_\_\_\_\_ South

RANGE (write number and check direction): R \_\_\_\_\_ East \_\_\_\_\_ West

QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_ NW \_\_ SE \_\_ SW

QUARTER/QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_ NW \_\_ SE \_\_ SW

GENERAL DESCRIPTION (miles and direction from nearest town and approximate elevation):

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10.

**Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"  
(W) 104° 59' 3.87"

Latitude (N): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)



